

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Promoting Technological Solutions to Combat)	GN Docket No. 13-111
Contraband Wireless Device Use in Correctional)	
Facilities)	

REPLY COMMENTS OF VERIZON WIRELESS

Michael E. Glover
Of Counsel

John T. Scott, III
Andre J. Lachance
VERIZON
1300 I Street, N.W.
Suite 400-West
Washington, D.C. 20005
(202) 515-2412

Attorneys for Verizon Wireless

Dated: August 23, 2013

TABLE OF CONTENTS

I.	INTRODUCTION AND SUMMARY	1
II.	THE COMMISSION SHOULD ADOPT ITS PROPOSED RULE CHANGES TO EXPEDITE APPROVAL OF SOLUTIONS PROVIDERS' SYSTEMS, BUT NOT DIRECTLY LICENSE SOLUTIONS PROVIDERS TO OPERATE ON CMRS FREQUENCY BANDS.	2
III.	THE COMMISSION SHOULD NOT REGULATE CMRS PROVIDERS' DEALINGS WITH SOLUTIONS PROVIDERS.	5
IV.	THE COMMISSION SHOULD REQUIRE CONTRABAND DEVICE TERMINATIONS TO BE DONE PURSUANT TO COURT ORDERS.....	6
V.	THE COMMISSION SHOULD NOT CONSIDER JAMMING OR ANY OTHER PROPOSAL TO LIMIT CARRIERS' ABILITY TO SERVE THE AREAS IN PROXIMITY TO CORRECTIONAL FACILITIES.....	8
VI.	CONCLUSION	12

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Promoting Technological Solutions to Combat)	GN Docket No. 13-111
Contraband Wireless Device Use in Correctional)	
Facilities)	

REPLY COMMENTS OF VERIZON WIRELESS

Verizon Wireless hereby submits reply comments in response to the Federal Communications Commission’s (“Commission”) Notice of Proposed Rulemaking considering rule changes to promote solutions to combat the use of contraband devices in correctional facilities.¹

I. INTRODUCTION AND SUMMARY

In their comments, Verizon Wireless and most other parties supported the Commission’s proposal to streamline the approval process for providers of managed access systems and other solutions (“Solutions Providers”) to combat the use of contraband devices.² Verizon Wireless asked, however, that the requirement for licensee approval prior to STAs being granted should be

¹ *Promoting Technological Solutions to Combat Contraband Wireless Device Use in Correctional Facilities*, Notice of Proposed Rulemaking, GN Docket No. 13-111, 28 FCC Rcd 6603 (2013) (“Notice”).

² Verizon Wireless Comments, GN Docket No. 13-111, filed July 18, 2013 (“Verizon Wireless Comments” at 2-3.

retained and made explicit.³ Verizon Wireless also asked the Commission to require that service termination requests be executed pursuant to court orders.⁴ The record supports these proposals.

With respect to other proposals made in comments, Verizon Wireless believes that AT&T's proposal to further streamline the leasing process by designating a "lead lease application" that could be amended for other installations by the same vendor has merit, but it opposes Boeing's request to directly license managed access systems. Verizon Wireless also opposes proposals to impose mandates on carriers to regulate their dealings with Solutions Providers. Carriers have been working cooperatively with Solutions Providers to facilitate deploying managed access and detection systems and there is no evidence that regulation is needed. Finally, Verizon Wireless opposes comments proposing jamming or establishing RF quiet or exclusion zones around prisons as alternative contraband device solutions. These proposals, aside from violating the statutory prohibition against jamming, would prevent all communications and would block legitimate communication, including communication from public safety and other customers, in the vicinity of and within prisons.

II. THE COMMISSION SHOULD ADOPT ITS PROPOSED RULE CHANGES TO EXPEDITE APPROVAL OF SOLUTIONS PROVIDERS' SYSTEMS, BUT NOT DIRECTLY LICENSE SOLUTIONS PROVIDERS TO OPERATE ON CMRS FREQUENCY BANDS.

Commenting parties universally supported the proposals to streamline the approval process for Solutions Provider systems.⁵ Both Verizon Wireless and CTIA, however,

³ *Id.*

⁴ *Id.* at 4-9.

emphasized that the current practice of requiring carrier approval prior to STAs being granted is a necessary step to enable carriers to ensure that the Solutions Provider systems will not cause harmful interference or capture traffic outside of the prison grounds, and that practice thus should be made explicit in Commission rules.⁶ With that caveat, the record supports the Commission adopting its streamlining proposals.

AT&T commented that the Commission could go even further to streamline its lease agreement approval process by enabling carriers and Solutions Providers to designate the first lease agreement entered into between the entities as the “lead application,” then, once the lead application is approved, allowing other implementations to be approved subject to the lead application being amended to add any new call signs and location coordinates.⁷ AT&T’s proposal has merit and could expedite the lease agreement process. For this proposal to work, however, the Commission would likely need to amend its ULS system to enable carriers to amend FCC Form 608 applications once those applications have been reviewed and approved, and account for the fact that the carrier’s licensed entity entering into a lease in one location may be different in another.

Verizon Wireless does not agree with Boeing that the best way to facilitate Commission approval of managed access systems is for the Commission to license managed access systems providers individually to operate their systems. Boeing argues that direct licensing would avoid

⁵ See, e.g., CTIA Comments, GN Docket 13-111, filed July 18, 2013 (“CTIA Comments”) at 4-5; AT&T Comments, GN Docket 13-111, filed July 18, 2013 (“AT&T Comments”) at 3; State of Mississippi Comments, GN Docket No. 13-111, filed June 28, 2013 (“Mississippi Comments”) at 1; Shawntech Communications Comments, GN Docket No. 13-111, filed July 17, 2013 (“Shawntech Comments”) at 3-4.

⁶ Verizon Wireless Comments at 2-3; CTIA Comments at 5.

⁷ AT&T Comments at 5.

potential problems with carriers refusing to lease spectrum for such systems or charging fees for spectrum use, and avoid setting a precedent that leaves carriers in control of any activities on their licensed bands.⁸

Boeing does not provide any evidence that the current process of requiring a STA or spectrum lease agreement, particularly in light of the Commission's proposals to streamline its approval processes, has prevented or will prevent Solutions Providers from implementing their systems in prisons that want them. While Boeing raises the potential for carriers to refuse lease agreements or charge exorbitant fees for spectrum use, it provides no evidence that those problems exist today. In fact, Verizon Wireless and other providers have been active and willing participants in the effort to deploy Solutions Provider systems to address the contraband device problem. To date, Verizon Wireless has worked with and approved Solutions Providers systems operated by four different vendors in California, Florida, Maryland, Mississippi, South Carolina and Texas. Verizon Wireless has neither refused to work with nor failed to approve any Solutions Provider system. Accordingly, there is no basis for the Commission to adopt a different licensing and approval model.

Managed access systems and detection systems that transmit RF strike a delicate balance between capturing transmissions from or detecting devices located on prison grounds and neither interfering with nor capturing traffic from legitimate users located off prison property. Carriers use the STA approval process or the spectrum lease agreement process – whichever vehicle is used – to review the technology and its implementation by the Solutions Provider to ensure that the operation of the carrier network off prison grounds is not affected. Boeing's proposal would effectively cut carriers out of the process and prevent them from performing the technical and

⁸ Boeing Comments, GN Docket 13-111, filed July 18, 2013 ("Boeing Comments") at 2-13.

operational review necessary to protect carriers' networks from harmful interference and other harmful affects before such systems go operational.

III. THE COMMISSION SHOULD NOT REGULATE CMRS PROVIDERS' DEALINGS WITH SOLUTIONS PROVIDERS.

Two commenters urge the Commission to adopt or consider regulatory mandates to facilitate implementation of Solutions Provider systems. Notably, Marcus Spectrum Solutions ("MSS") supports mandates that would require carriers to agree to managed access leases and notify managed access providers in advance of making technical changes to their networks that would adversely impact a managed access system's operations.⁹ In addition, Tecore asks for voluntary industry standards governing leasing arrangements, adopting a shot-clock on lease negotiations, requiring free spectrum access, and adopting a model leasing agreement. In the absence of carrier cooperation, it supports a Commission mandate.¹⁰

Verizon Wireless opposes any Commission mandates on carriers to facilitate implementation of managed access or other Solutions Provider systems. Neither MSS nor Tecore have identified any particular problems with deployments that merit either a mandatory or voluntary solution. To the contrary, as noted above, Verizon Wireless has worked cooperatively with numerous Solutions Providers to implement systems to block transmission from or detect contraband devices in prisons.¹¹ As carriers and Solutions Providers have gained experience with each other and with Commission processes for approving such systems, the time

⁹ Marcus Spectrum Solutions Comments, GN Docket No. 13-111, filed July 18, 2013 ("MSS Comments" at 24-26.

¹⁰ Tecore Networks Comments, GN Docket No. 13-111, filed July 18, 2013 ("Tecore Comments") at 9-16.

¹¹ *See also* CTIA Comments at 1-4 (discussing industry cooperation with Solutions Providers).

to implement these systems has decreased. In particular, once a Solutions Provider has an agreement in place with a carrier to put a system in one facility, subsequent implementations are much easier and quicker. This is because the carrier is familiar with the technology, has established working relationships with the vendor, and has negotiated acceptable lease language. Because Verizon Wireless uses the same template in all of its Solutions Provider lease agreements, it is relatively easy for vendors to become familiar with the terms and negotiate subsequent agreements. While Verizon Wireless has not charged fees for any of the systems it has approved, it notes that carriers, like Solutions Providers, devote significant company resources for each system implementation. Like Solutions Providers who are paid for each system they implement, nothing should prevent carriers from charging reasonable fees for their services should the level of resources expended by the carrier merit such fees in the future.

IV. THE COMMISSION SHOULD REQUIRE CONTRABAND DEVICE TERMINATIONS TO BE DONE PURSUANT TO COURT ORDERS.

The Commission's proposal to adopt a rule requiring carriers to terminate service to devices identified as contraband under parameters to be determined in the course of this proceeding met with mixed reviews among commenting parties. Some parties argued that detection systems, particularly those not operating in conjunction with a managed access system, are of questionable value given that prisoners seem to have no problem acquiring new devices to replace those to which service has been terminated.¹² Others, however, supported a

¹² See Shawntech Comments at 5-6; Cell Blox Comments, GN Docket No. 13-111, filed July 16, 2013 ("Cell Blox Comments") at 2; Tecore Comments at 22-23 (Tecore comments that detection done as part of a managed access system, however, can be effective). See also California Department of Corrections and Rehabilitation Comments, GN Docket No. 13-111, filed July 18, 2013 ("CDCR Comments") at 4 (stating that disabling devices identified as contraband is only a short-term solution as the inmate may be able to procure new service utilizing the same device).

Commission process for service terminations with some parties recommending various elements that process should include.¹³

Verizon Wireless noted in its comments that carriers have significant concerns about the accuracy of Solutions Provider systems and their ability to identify devices determined to be contraband, about the security and authenticity of termination requests being transmitted to carriers, and about potential liability for service terminations for devices that may not be contraband. In addition, carriers, correctional facilities and Solutions Providers are unable at this time to determine important details about termination requests, such as how many entities will be making such requests, how frequently those requests will be made, and how many devices carriers will be asked to terminate in each request.¹⁴ Indeed, the record lacks any such information. As such, it is not possible to know the level of carrier resources and the types of carrier systems that will be needed to review and execute such requests in the future. Accordingly, carriers have no way of estimating the costs of acting on termination requests or the systems that will be necessary to facilitate those actions.

For these reasons, Verizon Wireless and CTIA recommended that the best way to handle termination requests is for the Commission to require that contraband device service terminations be done pursuant to court orders.¹⁵ Should experience demonstrate that a court order process is

¹³ See Tecore Comments at 24 (recommending, *inter alia*, that the Commission adopt parameters for the information to be provided to carriers, for making a determination that a device is contraband, the interface for sending the requests, and procedures for accepting or rejecting such requests); Cell Antenna Comments, GN Docket No. 13-111, filed July 18, 2013 (“Cell Antenna Comments”) at 3; Mississippi Comments at 1-2; Minnesota Department of Corrections Comments, GN Docket No. 13-111, filed July 15, 2013 (“Minnesota DOC Comments”) at 1 (recommending, *inter alia*, Commission standards for accuracy, sensitivity, operating requirements and interference mitigation for detection systems).

¹⁴ Verizon Wireless Comments at 5-8.

¹⁵ *Id.* at 9; CTIA Comments at 12.

too slow or overly burdensome on prison officials or their Solutions Providers, the Commission can revisit the issue and consider a different process once all parties gain more experience with service terminations and once more detection systems are deployed.

V. THE COMMISSION SHOULD NOT CONSIDER JAMMING OR ANY OTHER PROPOSAL TO LIMIT CARRIERS' ABILITY TO SERVE THE AREAS IN PROXIMITY TO CORRECTIONAL FACILITIES.

In response to the Commission's request for comment about other technological solutions to address the contraband device problem,¹⁶ a number of parties proposed technological solutions or other means of preventing contraband devices from operating. In general, Verizon Wireless has supported and will continue to support means of preventing the use of contraband devices that selectively detect or block contraband devices operating within the confines of correctional facilities. It does not, however, endorse solutions that limit or prevent CMRS providers from providing service to legitimate subscribers, including public safety users, outside and within prison grounds or otherwise interfere with CMRS networks. In particular, Verizon Wireless opposes proposals to jam CMRS signals or to establish quiet or exclusion zones around correctional facilities.¹⁷

¹⁶ Notice at ¶ 77.

¹⁷ One commenter suggested that the Commission consider placing requirements on the type of information and the validity of information carriers obtain in providing service to customers purchasing prepaid devices. MSS Comments at 13-14. *See also* Indiana Department of Corrections Comments, GN Docket No. 13-111, filed July 17, 2013 ("Indiana DOC Comments") at 1 (questioning whether selling such devices to anonymous persons is desirable public policy). While MSS acknowledges the legitimate need of some users, such as battered spouses, to obtain such devices anonymously, it urges the Commission to consider requiring identification validation for at least some purchasers of prepaid devices. Given that such a requirement would necessarily impact users other than contraband device users, this suggestion is beyond the scope of this proceeding and should not be considered in this docket.

Despite the well-documented success and benefits of managed access systems in preventing contraband devices from connecting to CMRS networks and the promise of detection systems in finding, confiscating and/or terminating service to contraband devices, some commenters continue to push for the Commission to allow prison officials or their contractors to jam CMRS signals.¹⁸ As discussed in the Notice, Verizon Wireless, CTIA and other CMRS providers oppose jamming as a solution to contraband device use due to the complexity, if not impossibility, of jamming CMRS signals only within prison grounds and the fact that jamming is not selective and prevents both legitimate and contraband communications.¹⁹ Indeed, in the NTIA report concluding its inquiry into jamming and other technological solutions for preventing contraband device use, NTIA stated:

The use of jammers by State or local prison officials is a violation of the Communications Act of 1934, and hence illegal. Jamming cell signals may be effective where legal in Federal applications, and in some settings with careful design, but its effectiveness and utility may be greatly diminished by interference with other communications, including critical police, firefighter and emergency medical communications and 9-1-1 calls.²⁰

Moreover, both NENA and the Alarm Industry Communications Committee expressed concerns in their comments regarding the potential for Solutions Provider systems to prevent 911 calls and alarm signaling/monitoring from locations proximate to prison

¹⁸ See MSS Comments at 14-24; Cell Antenna Comments at 1-2; American Correctional Association Comments, GN Docket No. 13-111, filed July 18, 2013 (“ACA Comments”) at 2-3; Network Communications International Corp. Comments, GN Docket No. 13-111, filed July 18, 2013 (“NCIC Comments”) at 2; Maryland Department of Public Safety and Correctional Services Comments, GN Docket No. 13-111, filed July 18, 2013 (“Maryland Comments”) at 4.

¹⁹ Notice at ¶¶ 18-20 (citing Verizon Wireless and other parties comments in NTIA Docket No. 100504212-0212-01, Notice of Inquiry Regarding Contraband Cellphone Use in Prisons).

²⁰ U.S. Dept. of Commerce, NTIA Report, *Contraband Cell Phones in Prisons, Possible Technological Solutions*, released December 2010 (available at: http://www.ntia.doc.gov/files/ntia/publications/contrabandcellphonereport_december2010.pdf), at 37.

grounds.²¹ Because jamming blocks all signals and is not capable of allowing desirable communications to be completed, the potential harms to 911 calls and alarm monitoring services would be greater if jamming was allowed.

Because jamming is illegal, difficult to administer without jamming legitimate communications both inside and outside the prison grounds, and likely to interfere with legitimate public safety and consumer uses of CMRS frequencies, the Commission should not consider jamming as a viable solution to preventing communications from contraband devices.

Some parties propose that the Commission should create quiet or exclusion zones around prisons and prevent CMRS providers from providing service within those zones.²² Verizon Wireless opposes these proposals. Like jamming, quiet or exclusion zone proposals seek to prevent contraband device use by eliminating usable signals in and near prisons. As such, like jamming, these proposals would indiscriminately prevent legitimate communications, including public safety communications from being completed both inside and outside the prison grounds. Moreover, these proposals do not address the difficulties associated with trying to prevent usable signals from being

²¹ NENA Comments, GN Docket No. 13-111, filed July 18, 2013 at 1-2; Alarm Industry Communications Committee Comments, filed July 18, 2013 (“AICC Comments”) at 2, 5-6. *See also* Minnesota DOC Comments at 2 (stating “the potential problems with jamming outweigh its value”).

²² MSS Comments at 28-31 (stating that for prisons with at least 300 meters of space around the prison with restricted public access carriers should have the option of either using existing E911 solutions to identify the location of callers and block all calls within 300 meters of a prison (“the zone”) or removing service from the zone); NCIC Comments at 2 (stating that Honduras has required carriers to create “dead zones” around prisons); NTCH Comments, GN Docket No. 13-111, filed July 18, 2013 at 3-6 (recommending that prisons and the area around prisons owned or controlled by prisons be declared “quiet zones” – similar to the areas around radio astronomy facilities).

received in any particular area. RF signal strength can vary based on a number of factors including traffic loads at any particular time of day, environmental conditions such as weather, obstructions, and foliage. Thus, preventing usable signal from reaching any particular area at any particular time is impossible without also excluding service to a much larger area.

While some parties recognize that establishing quiet or exclusion zones in urban or suburban areas is not feasible and recommend that these zones should only be established in rural areas, there would be significant problems in rural areas as well. First, even if these zones could be created in rural areas and impact only prisons and uninhabited areas around prisons, there may still be legitimate and necessary communications needs in those areas that would be affected. For example, public safety officials that rely on commercial networks could need to respond to a fire or other emergency in or near a prison. Second, in rural areas, due to fewer capacity needs, cost and other factors, carriers tend to use higher power antennas mounted on taller structures to provide service to larger areas using fewer facilities. Accordingly, a prison facility may be served by a facility that also provides service to users many miles beyond the prison facility and farther than the prison from the serving cell site. Thus, if a carrier were required to make technical changes to rural facilities to prevent service from being received in and near the prison, inhabitants and other users that are located farther from the cell site than the prison could be denied service as well. These proposals could frustrate the Commission's goal of improving service to rural areas and should not be considered.

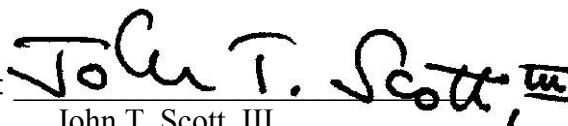
VI. CONCLUSION

The record in this proceeding supports the Commission's adoption of proposals to streamline the approval process for spectrum leases, PMRS designations, and STAs, provided that the Commission makes explicit the requirement that carriers approve of STA requests prior to granting STAs. The record, however, does not justify adoption of the Notice's service termination proposal. Rather, the Commission should require that service termination requests be made only pursuant to court orders. Finally, the Commission should not adopt or consider proposals to regulate CMRS provider interaction with Solutions Providers or embrace solutions that either jam or limit RF signals in areas in and around prison facilities.

Respectfully submitted,

VERIZON WIRELESS

By:

A handwritten signature in black ink that reads "John T. Scott, III". The signature is written in a cursive, slightly stylized font. The "J" is large and loops around the "S". The "III" is written as three distinct vertical strokes.

John T. Scott, III

Andre J. Lachance

VERIZON

1300 I Street, N.W.

Suite 400-West

Washington, D.C. 20005

(202) 515-2412

Attorneys for Verizon Wireless

Michael E. Glover
Of Counsel

Dated: August 23, 2013